



PATENT APPLICATION

DB

3-11

#11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Roger DENIS

Group Art Unit: 3763

Application No.: 09/857,144

Examiner: L. H. Thanh

Filed: February 8, 2002

Docket No.: 109684

For: A SAFETY ASSEMBLY FOR A PREFILLED SYRINGE FOR INJECTING LIQUID,
IN PARTICULAR A MEDICINE

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

RECEIVED

MAR 04 2003

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

TECHNOLOGY CENTER R3700

Sir:

In reply to the January 29, 2003, Election of Species Requirement, Applicant provisionally elects Species IV, Figures 8-13, with traverse. Claims 1, 3, 5-7, 9-10 and 12-13 read on the elected species. Claims 1, 10 and 13 are generic to Species I and Species IV.

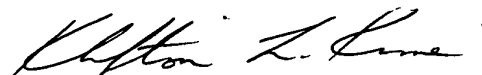
Applicant respectfully submits that Figs. 4-7 relate to a single species, contrary to the assertion in the Office Action. See, for example, page 5, line 28 to page 6, line 3, of the specification.

It is respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully

submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Klifton L. Kime
Registration No. 42,733

WPB:KLK/dmw

Date: February 28, 2003

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
